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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

2:13-cr-00334-JCM-CWH

9 Plaintiff,

Government's Motion to Stay the  
Briefing Schedule on Drago's § 2255  
Motion [Dkt. No. 212]

10 v.

11 ANTON PAUL DRAGO,

12 Defendant.

13  
14 In a motion to vacate his convictions and sentence, Defendant Anton Paul Drago  
15 alleges that attorney Kevin O'Connell provided constitutionally ineffective assistance of  
16 counsel. This Court ordered the government to respond to Drago's motion. Dkt. No. 212.  
17 Because the government needs information from two of Drago's attorneys to address these  
18 allegations, the government filed a motion seeking an order from the Court deeming the  
19 attorney-client privilege waived and allowing it to obtain that information. *See* Dkt. No.  
20 213 (seeking an Order that Drago's former counsel shall provide affidavits or declarations  
21 within 45 days).

22 Through this separate motion, the government further requests that the Court stay  
23 the briefing schedule pending the Court's Order on Dkt. No. 213 and while the

1 government awaits responsive declarations from counsel, such that the government will  
2 have 45 days to prepare its response after it has received counsels' affidavits or  
3 declarations.

4 Dated: March 5, 2020.

5 Respectfully submitted,

6 NICHOLAS A. TRUTANICH  
7 UNITED STATES ATTORNEY

8 

9 Sean Beaty  
10 Trial Attorney, Tax Division  
11 U.S. Department of Justice  
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1                   **CERTIFICATE OF SERVICE**

2                   I HEREBY CERTIFY that on March 5, 2020, I electronically filed the foregoing  
3 document with the Clerk of the Court using CM/ECF, which will serve a copy of this  
4 document on all counsel of record.

5                   In addition, I caused to be mailed a copy of this application to the defendant at his  
6 last known address:

7                   Anton Paul Drago, No. 48254-048  
8                   FCI Terre Haute  
Federal Correctional Institution  
P.O. BOX 33  
Terre Haute, IN 47808

10                   /s/ Sean Beaty  
11                   Sean Beaty  
Trial Attorney, Tax Division

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:13-cr-00334-JCM-CWH

Plaintiff,

V.

## ORDER

ANTON PAUL DRAGO,

**Defendant.**

Based upon the pending motion of the government, and good cause appearing,

**IT IS HEREBY ORDERED** that the briefing schedule on Drago's § 2255 motion

(Dkt. No. 211) shall be stayed until Drago's former counsel provide the requested

affidavits or declarations to the government, as required within 45 days under separate

order. Upon receipt of counsel's affidavits or declarations, the government shall have 4

days in which to file its response to Drago's § 2255 motion.

DATED March 26, 2020.

James C. Mahan  
UNITED STATES DISTRICT JUDGE